

Executive Summary – Enforcement Matter – Case No. 42448
Equistar Chemicals, LP
RN100210319
Docket No. 2011-1596-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Equistar Chemicals La Porte Complex, 1515 Miller Cut Off Road, La Porte, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 24, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,000

Amount Deferred for Expedited Settlement: \$4,000

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$8,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$8,000

Name of SEP: Houston Regional Monitoring Corporation ("HRMC") - HRMC

Houston Area Air Monitoring

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: \$17,275

Applicable Penalty Policy: September 2002

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 7, 2011 and June 8 through June 22, 2011

Date(s) of NOE(s): August 19, 2011 and September 7, 2011

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,503 pounds (“lbs”) of ethane, 960 lbs of propylene (propene), 726 lbs of ethylene (gaseous), 582 lbs of propane, 223 lbs of methane, and 116 lbs of other volatile organic compounds from Emissions Point Number (“EPN”) QE8050B in the Olefins Unit during an emissions event (Incident No. 153240) that began on April 11, 2011 and lasted three hours. The emissions event was caused when the main flame flare was suppressed due to a high steam-to-hydrocarbon ratio, and all four flare pilot flames were extinguished due to low natural gas pressures caused by a crack in the natural gas line. Since this emissions event could have been avoided by better operational and maintenance practices, and the air pollution control equipment was not maintained and operated in a manner consistent with good practices for minimizing emissions, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4); 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2); Permit Nos. 18978 and PSD-TX-752M3, Special Conditions (“SC”) No. 1; Federal Operating Permit (“FOP”) No. O2223, Special Terms and Conditions (“STC”) Nos. 1.A. and 14 and General Terms and Conditions (“GTC”); and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,643 lbs of ethylene, 181 lbs of polyethylene, and 78 lbs of propylene from EPN L3RXVENTS, and released 36 lbs of ethylene, 26 lbs of carbon monoxide, and 4 lbs of nitrogen oxides from EPN L3FLARE in the AB3 Unit during an emissions event (Incident No. 153820) that began on April 26, 2011 and lasted three hours and 54 minutes. The emissions event occurred when an ethylene decomposition reaction in the AB3 reactor with unknown causes led to a unit shutdown. Since the Respondent was unable to provide sufficient information regarding the cause of this emissions event, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Permit No. 4477, SC No. 1; FOP No. O1606, STC No. 15 and GTC; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that:

a. In order to prevent a recurrence of emissions events due to the same cause as Incident No. 153240, the Respondent:

i. Installed temporary pilots on the main flare on July 25, 2011; and

ii. Discussed and stressed the importance of the flare steam-to-hydrocarbon ratio with all board technicians and supervisors in the Olefins Unit on September 27, 2011.

b. In order prevent a recurrence of emissions events due to the same cause as Incident No. 153280, the Respondent changed the NA951 bump valve setting on June 30, 2011 to open 25% more instead of 35% more.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Courtney Ruth, Site Manager, Equistar Chemicals, LP, 1515 Miller Cut Off Road, La Porte, Texas 77571

Michael Wagner, Principal Environmental Engineer, Equistar Chemicals, LP, 1515 Miller Cut Off Road, La Porte, Texas 77571

Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-1596-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Equistar Chemicals, LP
Penalty Amount:	Sixteen Thousand Dollars (\$16,000)
SEP Offset Amount:	Eight Thousand Dollars (\$8,000)
Type of SEP:	Contribution to a Pre-approved SEP
Third-Party Recipient:	Houston Regional Monitoring Corporation ("HRMC")
Project Name:	HRMC Houston Area Air Monitoring
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the **HRMC Houston Area Air Monitoring**. The contribution will be used in accordance with the Supplemental Environmental Project between the Third-Party Recipient and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants including approximately 160 volatile organic compounds ("VOCs"). Specifically, the Third-Party Recipient shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The TCEQ uses this information, along with data collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston's progress toward achieving or remaining in attainment of the NAAQS. Implementation of this SEP will allow continuation of ambient air monitoring in this region to collect near real-time VOC, nitrogen oxides, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur and to assess potential ambient community exposure to a limited number of HAPs. Data from these monitors may be publicly accessible through the TCEQ website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and will indirectly benefit by having data useful in addressing Houston's ozone non-attainment status.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order to:

Houston Regional Monitoring Corporation SEP
c/o Christopher B. Amandes, Vinson & Elkins, LLP
First City Tower
1001 Fannin Street, Suite 2500
Houston, Texas 77002-6760

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP agreement in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to complete the project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. The Respondent shall make the check payable to “Texas Commission on Environmental Quality” and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that the Project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	22-Aug-2011	Screening	1-Sep-2011	EPA Due	15-May-2012
	PCW	2-Dec-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Equistar Chemicals, LP				
Reg. Ent. Ref. No.	RN100210319				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	42448	No. of Violations	2
Docket No.	2011-1596-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kimberly Morales
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **417.0%** Enhancement **Subtotals 2, 3, & 7** **\$31,275**

Notes: Enhancement for 17 NOVs with same/similar violations, 11 NOVs with dissimilar violations, 10 orders with denial of liability, four orders without denial of liability, and one court order with denial of liability. Reduction for 12 notices of intent to conduct an audit and four disclosures of violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$1,500**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$183**
 Approx. Cost of Compliance **\$12,500**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$37,275**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$37,275**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$20,000**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$4,000**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$16,000**

Screening Date 1-Sep-2011

Docket No. 2011-1596-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 42448

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	17	85%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	10	200%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	12	-12%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	4	-8%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 417%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 17 NOVs with same/similar violations, 11 NOVs with dissimilar violations, 10 orders with denial of liability, four orders without denial of liability, and one court order with denial of liability. Reduction for 12 notices of intent to conduct an audit and four disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 417%

Screening Date 1-Sep-2011

Docket No. 2011-1596-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 42448

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4); 40 Code of Federal Regulations § 60.18(c)(2); Permit Nos. 18978 and PSD-TX-752M3, Special Conditions ("SC") No. 1; Federal Operating Permit ("FOP") No. O2223, Special Terms and Conditions ("STC") Nos. 1.A. and 14 and General Terms and Conditions ("GTC"); and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,503 pounds ("lbs") of ethane, 960 lbs of propylene (propene), 726 lbs of ethylene (gaseous), 582 lbs of propane, 223 lbs of methane, and 116 lbs of other volatile organic compounds from Emissions Point Number ("EPN") QE8050B in the Olefins Unit during an emissions event (Incident No. 153240) that began on April 11, 2011 and lasted three hours. The emissions event was caused when the main flare flare was suppressed due to a high steam-to-hydrocarbon ratio, and all four flare pilot flames were extinguished due to low natural gas pressures caused by a crack in the natural gas line. Since this emissions event could have been avoided by better operational and maintenance practices, and the air pollution control equipment was not maintained and operated in a manner consistent with good practices for minimizing emissions, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$250

	Before NOV	NOV to EDRRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes The Respondent achieved compliance on September 27, 2011, after the August 19, 2011 NOE.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$116

Violation Final Penalty Total \$12,675

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 42448
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	11-Apr-2011	27-Sep-2011	0.46	\$116	n/a	\$116

Notes for DELAYED costs

Estimated expense to implement measures and procedures designed to prevent high steam-to-hydrocarbon ratios and low natural gas pressures. The Date Required is the start date of the emissions event. The Final Date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	TOTAL	\$116
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Screening Date 1-Sep-2011

Docket No. 2011-1596-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 2 (September 2002)

Case ID No. 42448

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4); Permit No. 4477, SC No. 1; FOP No. O1606, STC No. 15 and GTC; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,643 lbs of ethylene, 181 lbs of polyethylene, and 78 lbs of propylene from EPN L3RXVENTS, and released 36 lbs of ethylene, 26 lbs of carbon monoxide, and 4 lbs of nitrogen oxides from EPN L3FLARE in the AB3 Unit during an emissions event (Incident No. 153820) that began on April 26, 2011 and lasted three hours and 54 minutes. The emissions event occurred when an ethylene decomposition reaction in the AB3 reactor with unknown causes led to a unit shutdown. Since the Respondent was unable to provide sufficient information regarding the cause of this emissions event, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

One monthly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent achieved compliance on June 30, 2011, prior to the September 7, 2011 NOE.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$67

Violation Final Penalty Total \$24,600

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 42448
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$7,500	26-Apr-2011	30-Jun-2011	0.18	\$67	n/a	\$67

Notes for DELAYED costs

Estimated expense to implement measures and procedures designed to prevent ethylene decomposition reactions in the AB3 reactor. The Date Required is the start date of the emissions event. The Final Date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$7,500

TOTAL

\$67

Compliance History

Customer/Respondent/Owner-Operator:	CN600124705	Equistar Chemicals, LP	Classification: AVERAGE	Rating: 4.86
Regulated Entity:	RN100210319	EQUISTAR CHEMICALS LA PORTE COMPLEX	Classification: AVERAGE	Site Rating: 22.90
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER		HG0770G
	AIR OPERATING PERMITS	PERMIT		1606
	AIR OPERATING PERMITS	PERMIT		2223
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID		TXR000025809
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)		85436
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT		50383
	POLLUTION PREVENTION PLANNING	ID NUMBER		P00553
	WASTEWATER	PERMIT		WQ0004013000
	WASTEWATER	EPA ID		TX0119792
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1012680
	AIR NEW SOURCE PERMITS	PERMIT		19109
	AIR NEW SOURCE PERMITS	PERMIT		4477
	AIR NEW SOURCE PERMITS	PERMIT		5226
	AIR NEW SOURCE PERMITS	PERMIT		5836
	AIR NEW SOURCE PERMITS	PERMIT		18978
	AIR NEW SOURCE PERMITS	PERMIT		22043
	AIR NEW SOURCE PERMITS	REGISTRATION		38605
	AIR NEW SOURCE PERMITS	REGISTRATION		40078
	AIR NEW SOURCE PERMITS	REGISTRATION		42401
	AIR NEW SOURCE PERMITS	REGISTRATION		43676
	AIR NEW SOURCE PERMITS	REGISTRATION		45099
	AIR NEW SOURCE PERMITS	REGISTRATION		46127
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HG0770G
	AIR NEW SOURCE PERMITS	AFS NUM		4820100055
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX752
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX818
	AIR NEW SOURCE PERMITS	REGISTRATION		42349
	AIR NEW SOURCE PERMITS	REGISTRATION		70535
	AIR NEW SOURCE PERMITS	PERMIT		49122
	AIR NEW SOURCE PERMITS	REGISTRATION		53934
	AIR NEW SOURCE PERMITS	REGISTRATION		53387
	AIR NEW SOURCE PERMITS	REGISTRATION		74666
	AIR NEW SOURCE PERMITS	REGISTRATION		76465
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX752M3

AIR NEW SOURCE PERMITS	REGISTRATION	77716
AIR NEW SOURCE PERMITS	REGISTRATION	77957
AIR NEW SOURCE PERMITS	REGISTRATION	79239
AIR NEW SOURCE PERMITS	PERMIT	83822
AIR NEW SOURCE PERMITS	REGISTRATION	51737
AIR NEW SOURCE PERMITS	EPA ID	PSDTX752M2
AIR NEW SOURCE PERMITS	REGISTRATION	86948
AIR NEW SOURCE PERMITS	REGISTRATION	91251
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1122
AIR NEW SOURCE PERMITS	REGISTRATION	83481
AIR NEW SOURCE PERMITS	EPA ID	N74
AIR NEW SOURCE PERMITS	REGISTRATION	89879
AIR NEW SOURCE PERMITS	EPA ID	PSDTX752M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX752M5
AIR NEW SOURCE PERMITS	REGISTRATION	90257
AIR NEW SOURCE PERMITS	REGISTRATION	98146
AIR NEW SOURCE PERMITS	EPA ID	PSDTX752M4
WATER LICENSING	LICENSE	1012680
STORMWATER	PERMIT	TXR05N516
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	50383
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	85436
IHW CORRECTIVE ACTION	PERMIT	50383
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0770G

Location: 1515 MILLER CUT OFF RD, LA PORTE, TX, 77571

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 03, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 03, 2006 to October 03, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Kimberly Morales Phone: (713) 422-8938

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A

5. When did the change(s) in owner or operator occur? N/A

6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 12/02/2006 ADMINORDER 2006-0295-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: No.18978, Special Condition No. 1 PERMIT
Description: Equistar failed to maintain an emission rate below the allowable emission limits.

Effective Date: 08/10/2007 ADMINORDER 2006-1232-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: No. 18978, Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Air Permit No. 4477, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)
30 TAC Chapter 101, SubChapter F 101.201(b)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to properly notify the TCEQ of emissions events that occurred on December 22, 2003, October 25, 2005 and March 12, 2006.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: No. 18978, Special Condition. 1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: no # 4477 SP #1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 08/10/2007 ADMINORDER 2006-1932-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: TCEQ Permit #4477, Special Condition #1 PA
Description: Failed to prevent unauthorized emissions and meet the highly reactive volatile organic compounds ("HRVOC") hourly cap.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: # 18978 Special Condition #1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Permit #4477, SC#1 PA
Description: Failure to prevent unauthorized emissions of ethylene from PSV V4202RV1 to the atmosphere.

Effective Date: 02/25/2008

ADMINORDER 2007-0519-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit #18978 PA
Special Condition 1 PERMIT

Description: failed to prevent unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit #18978, Special Condition 1 PA
Special condition 1 PERMIT

Description: Failed to prevent unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit #4477, Special Condition #1 PA

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit #4477, Special Condition #1 PA

Description: Failed to prevent unauthorized emissions.

Effective Date: 04/03/2008

ADMINORDER 2007-0938-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: SC No.1 PERMIT
TCEQ AIR PERMIT #18978, SC1 PERMIT

Description: Equistar failed to control unauthorized emissions on December 13, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit #4477, Special Condition #1 PA

Description: Failed to control unauthorized emissions on March 4, 2006

Effective Date: 07/03/2008

ADMINORDER 2007-1715-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit #18978, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit #18978, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to report Incident No. 96455 within 24 hours after discovery.

Effective Date: 10/01/2008

COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)

30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: TCEQ Air Permit #4477, SC #1 PA
Description: Equistar exceeded the VOC permit limit during an avoidable emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to prevent unauthorized emissions of 1,016.5 lbs of the HRVOC and HAP ethylene from a hole in a pipe in the AB3 LDPU on October 28, 2003 that lasted 2 hours.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ AIR Permit No. 4477 PA
Description: Failed to prevent unauthorized emissions of 6,316 lbs of the HRVOCs and HAPs ethylene and propylene and 354 lbs of particulate matter (PM) from the reactor vents in AB3 LDPU and 80.69 lbs of the HRVOCs and HAPs ethylene and propylene from EPN L3FLARE, in the AB3 LDPU on February 9, 2004 that lasted 2 hours and 17 minut
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Air Permit #18978, SC# 1 PA
Description: Failed to prevent unauthorized emissions of 10,666 lbs of VOCs, which included the HRVOC butene and the HRVOCs and HAPs 1,3-butadiene and ethylene, 17,363 lbs of CO, and 3,184.60 lbs of NOx from EPN QE8050B in the QE1 Olefins Unit on May 28, 2004 that lasted 9 hours.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC No. 5 PERMIT
Description: Failure to monitor 4,041 valves in VOC service using Method 21.
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT
Description: Failure to monitor 3882 valves in VOC service using Method 21.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT
Description: Failure to monitor 2,476 connectors in VOC service in the olefins unit using 40 Code of Federal Regulations (CFR) part 60, Method 21.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT
SC No. 5 PERMIT
Description: Failure to cap or plug 48 open ended lines in the olefins unit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC No. 5 PERMIT
Description: Failure to maintain the main flare minimum heating value of 300 BTU/scf during the propylene dryer regeneration periods in the olefins unit on sixteen occasions.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to report some instances of deviations (CEMS down times, semiannual reporting, regeneration periods, and fugitive monitoring deviations) in the olefins unit in the report dated December 15, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(3)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit the semiannual reports regarding continuous emissions monitoring system (CEMS) down times in the olefins unit for the year 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT

Description: Failure to maintain the carbon monoxide (CO) emissions from the Pyrolysis Furnace (EPN: QE1009B) in the olefins unit below 0.035 lb/MMBTU for more than 4% of the operating time for two consecutive quarterly reporting periods (Second and Third quarter of 2003).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT

Description: Failure to maintain the carbon monoxide (CO) emissions from the Pyrolysis Furnaces (EPNs QE1001B through QE1008B) and the Boilers (EPNs QE5802UA and QE5802UB) in the olefins unit below 0.035 lb/MMBTU during the deviation period.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18978 and PSD-TX-752M3 PERMIT

Description: Failure to maintain the carbon monoxide (CO) emissions from the Pyrolysis Furnaces (EPNs QE1001B through QE1009B) and the Boilers (EPNs QE5802UA and QE5802UB) in the olefins unit below the MAERT limit during the deviation period.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 1 PERMIT

Description: Failure to maintain the emissions from the EPN QE3050B within MAERT limit and this could have been avoided by good design, operation and maintenance activities.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #18978, SC #1 PA

Description: Failed to prevent unauthorized emissions of 4,060.1 lbs of VOCs, which included the HRVOC butene and the HRVOCs and HAPs 1,3-butadiene, ethylene, and propylene, 5,486 lbs of CO, and 591 lbs of NOx from EPN QE8050B in the QE1 Ethylene Unit on December 11, 2003 that lasted 27 hours.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 721 lbs of the HRVOCs and HAPs ethylene and propylene and 88 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 Low Density Polyethylene Unit (LDPU), on November 9, 2002 that lasted 25 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #19109, SC #1 PA

Description: Failed to prevent unauthorized emissions of 1,297 pounds (lbs) of volatile organic compounds (VOCs), which included the Highly Reactive VOCs (HRVOCs) and Hazardous Air Pollutants (HAPs) benzene and ethylene, 636.52 lbs of carbon monoxide (CO), and 122.44 lbs of nitrogen oxide (NOx) from emission point number (EPN) HSFL

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 965 lbs of they HRVOCs and HAPs ethylene and vinyl acetate and 72 lbs of PM from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 Polyethylene Unit on April 12, 2004 that lasted 5 minues.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 842 lbs of VOCs, which included the HRVOCs and HAPs ethylene and propylene and 69 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on November 6, 2003 that lasted 1 minute.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 842 lbs of VOCs, which included the HRVOCs and HAPs ethylene, propylene, and vinyltrimethoxysilane (VTMOS) and 69 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on November 9, 2003 that lasted 1 minute.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #18978, SC#1 PA

Description: Failed to prevent unauthorized emissions of 6,272.9 lbs of VOCs, which included the HRVOCs and HAPs ethylene and propylene, 8,782.70 lbs of CO, and 1,559 lbs of NOx from EPN QE8050B in the QE1 Olefins Unit on June 23, 2004 that lasted 5 hours and 54 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #4477, SC#1 PA

Description: Failed to prevent unauthorized emissions of 952 lbs of VOCs, including 762 lbs of the HRVOCs and HAPs ethylene and vinyl acetate, and 71 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU and 29.57 lbs of VOCs, which included the HRVOCs and HAPs ethylene and vinyl acetate, from EPN L3FL

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #18978, SC#1 PA

Description: Failed to prevent unauthorized emissions of 1,034.71 lbs of VOCs, which included the HRVOC acetylene and the HRVOCs and HAPs ethylene and propylene, 538.99 lbs of CO, and 92.51 lbs of NOx from EPN QE3050B ethylene from the QE1 Olefins on July 4, 2004 that lasted 22 hours and 35 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 834 lbs of the HRVOCs and HAPs ethylene and propylene and 100 lbs of polymer from reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on November 24, 2003 that lasted 1 minute.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 834 lbs of the HRVOCs and HAPs ethylene and propylene and 100 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on November 29, 2003 that lasted 1 minute.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #4477, SC#1 PA

Description: Failed to prevent unauthorized emissions of 840.52 lbs of the HRVOC VTMOS and the HRVOCs and HAPs ethylene and propylene and 69 lbs of PM (which is not authorized as an emission in the permit) from EPN L3FLARE in the AB3 LDPU on February 18, 2004 that lasted 5 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #19109, SC# 1 PA

Description: Failed to prevent unauthorized emissions of 8,949 lbs of HRVOCs which included the HRVOC butene and the HRVOC and HAP ethylene from the emergency vents in the Q1 Polyethylene Unit and 80.96 VOCs, including 57.4 HRVOCs and 47.51 lbs of CO from EPN HSFLARE in the Q1 Polyethylene Unit on February 1, 2004 that lasted 21 ho

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 952 lbs of the HRVOCs and HAPs ethylene and vinyl acetate and 71 lbs of polymer from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on January 21, 2003 that lasted .01 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 3,504 lbs of the HRVOC and HAP ethylene from a pressure relief valve in the UT ethylene meter station on November 30, 2003 that lasted 6 minutes.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report an emissions event with 24 hours of discovery. The emissions event that occurred on July 12, 2004 at 2:00 p.m. was not reported until July 14, 2004 at 1:34 p.m.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 4477 Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 1,793.87 lbs of the HRVOC and HAP ethylene from EPN L3FUG in the AB3 LDPU on July 12, 2004 that lasted 51 hours and 30 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #4477 PA

Description: Failed to prevent unauthorized emissions of 1,243 lbs of the HRVOC VTMOs and the HRVOCs and HAPs ethylene and propylene and 102 lbs of PM from the reactor vents (non-permitted EPN L3RXVENTS) in the AB3 LDPU on May 4, 2004 that lasted 5 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 8,648 lbs of the highly reactive volatile organic compound (HRVOC) and hazardous air pollutant (HAP) ethylene from a pressure relief valve in the UT ethylene meter station on November 9, 2003 that lasted 8 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 533 lbs of the HRVOC and HAP ethylene from a pressure relief valve in the UT ethylene meter station on November 18, 2003 that lasted 1 minute.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent unauthorized emissions of 2,630 pounds (lbs) of volatile organic compounds (VOCs). The release of 2,630 lbs of the highly reactive VOC (HRVOC) ethylene from the Olefins Unit through the Process Fugitives, emission point number (EPN) QEFUG, occurred on November 11, 2004 and lasted 17 hours and 25 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 18978, SC #1 PA

Description: Failed to prevent unauthorized emissions of 7,335.87 pounds (lbs) of volatile organic compounds (VOCs), including 8,326.2 of highly reactive VOCs (HRVOCs), 1.87 hazardous air pollutants (HAPs), and 108.1 HRVOCs and HAPs, 9,822 lbs of carbon monoxide (CO), and 1,492 lbs of nitrogen oxides (NOx).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
Rqmt Prov: 19109, SC 12.F PERMIT
O-01606, SC 1.A OP
Description: Failure to monitor 209 valves in VOC service in the Q1 Unit using 40 CFR part 60, Method 21.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.564(a)(1)

Rqmt Prov: 19109, SC 14.C PERMIT
O-01606, SC 14.C OP

Description: Failure to conduct the performance test for the Q1 incinerator stack as required by the NSR permit 19109, dated January 21, 2004, within 180 days of increasing hourly polymer production to greater than 110% of that maintained during the last satisfactory test.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 19109, SC No.9 PERMIT
O-01606, SC 9.A OP

Description: Failure to control the particulate emissions as required by the permit standards and by passed the particulate emissions from the mixer feed hoppers in the Q1 unit during the certification period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)(5)(ii)

Rqmt Prov: O-01606, SC 1.A OP

Description: Failure to conduct the daily checks of pumps for four days in Q1 Unit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: O-01606, SC 1.A OP
Special Condition 12.E. PERMIT

Description: Failure to cap or plug 2 open ended lines in the Q1 Unit.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)

Description: Failure to report particulate matter control deviation and barrier fluid exceedance deviations in the Q1 Unit in the report dated September 24, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.565(b)

Description: Failure to submit the engineering report describing in detail the vent system used to vent each affected vent stream to a control device after the piping changes in August 2003 in Q1 Unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 18978, SC#1 PA

Description: Failed to prevent unauthorized emissions of 2,161 pounds of the volatile organic compounds acetylene and ethylene, 2,392 pounds of carbon monoxide, and 428 pounds of nitrogen oxides from emission point number QE8050B in the Olefins Unit during an emissions event that occurred on March 9, 2005 and lasted 1.4333 hours.

Effective Date: 01/28/2010

ADMINORDER 2008-0958-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent failure of the AMOT temperature probe which resulted in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent a high differential pressure in the Acetylene Absorber that caused acetylene breakthrough in the Absorber and resulted in flaring.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b).

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent failure of the Secondary Compressor's (C4202) thermocouple cable which caused the shut down of the compressor and the reactor vents to open to the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

Description: Failure to provide the additional information requested by the TCEQ within the timeframe established by the request.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent the shutdown of C-4202 Secondary Compressor which resulted in unauthorized emissions.

Effective Date: 06/18/2010

ADMINORDER 2009-2024-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions due to the tripping of the Propylene Refrigeration Compressor.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions due to power failure caused by mechanical vibration of the relay trip contact.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions due to communication hardware malfunction.

Effective Date: 08/09/2010

ADMINORDER 2009-0154-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit #18978, Special Condition, #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 101266 on December 12, 2007 the following unauthorized emissions were released from the Elevated Flare over a period of one hour and 15 minutes: 603.7 pounds ("lbs") of ethylene, 893.5 lbs of carbon monoxide ("CO") and 117.7 lbs of nitrogen oxides ("NOx"). Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit #4477, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 102875 on January 26, 2008 the following unauthorized emissions were released from the High Pressure Separator Relief Valve over a period of five hours and 33 minutes: 886 lbs of ethylene, 221 lbs of vinyl acetate and 1 lb of propylene. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN.

CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit #18978 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 103287 on February 4, 2008 the following unauthorized emissions were released from the Elevated Flare and the Acetylene Recovery Unit ("ARU") Flare over a period of five hours and 30 minutes: 3,461.8 lbs of volatile organic compounds ("VOCs"), 4,502 lbs of CO and 626 lbs of NOx. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit #4477, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 103461 on February 7, 2008 the following unauthorized emissions were released from the AB3 Reactor Vents over a period of one hour and 58 minutes: 3,201.5 lbs of ethylene and 36.3 lbs of propylene. Since the emissions event was avoidable and not properly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)

Description: Failed to properly report Incident No. 103461. Specifically, the permit number for the unit involved in the February 7, 2008 emissions event was not included in the final record submitted for the event.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit #18978, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 103789 on February 15, 2008 the following unauthorized emissions were released from the Elevated Flare and the ARU Flare over a period of 118 hours: 1,713.9 lbs of VOCs, 1,336.1 lbs of CO and 145.5 lbs of NOx. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 113155 on August 26, 2008 the following unauthorized emissions were released from L3RXVent over a period of three hours and 23 minutes: 1,211 lbs of VOCs. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Effective Date: 08/21/2010

ADMINORDER 2009-1781-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 5,369 pounds ("lbs") of the highly reactive volatile organic compound ("HRVOC") ethylene, 89 lbs of the HRVOC propylene, 32 lbs of polymer, 2.2 lbs of carbon monoxide and 0.54 lbs of nitrogen oxide from the AB3 Unit during an avoidable emissions event (Incident No. 126040) that began on June 25, 2009 and lasted one hour and 48 minutes. The event was the result of a Bafco valve failing in the closed position on the Hi

Effective Date: 05/08/2011

ADMINORDER 2010-0591-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Equistar failed to maintain an electrical conduit that allowed moisture in the system, causing thermocouple failure triggering an interlock shutdown of AB3 reactor.

Effective Date: 05/08/2011 ADMINORDER 2010-0328-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed prevent unauthorized emissions during Incident No. 132744. Specifically, beginning December 2, 2009, rapid header pressure changes in the Process Gas Compressor resulted in the unauthorized release of 870.9 pounds ("lbs") of volatile organic compounds, 456.1 lbs of carbon monoxide, and 45.4 lbs of nitrogen oxides from the Acetylene Recovery Unit Flare [Emission Point Number ("EPN") QE3050B] and the Elevated Flare (EPN QE8050B), over a period of 8.5 hours. Since the emissions

Effective Date: 06/20/2011 ADMINORDER 2010-1794-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions.

Effective Date: 08/27/2011 ADMINORDER 2011-0198-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. 4477, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions and to limit HRVOCs to 1,200 lbs per hour when a power loss to the 480V bus in the 13-A substation caused the AB3 Unit to shut down.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit 18978 and PSD-TX-752M3, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions due to the restriction of the dimethylformamide flow to the Acetylene Absorber.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 05/11/2007 (462772)
- 2 11/20/2006 (514502)
- 3 10/20/2006 (516121)
- 4 10/20/2006 (516554)
- 5 10/20/2006 (516566)
- 6 11/17/2006 (516921)

7 10/31/2006 (517252)
8 12/18/2006 (517871)
9 11/16/2006 (519602)
10 01/19/2007 (531635)
11 02/05/2007 (531641)
12 12/11/2006 (531680)
13 02/26/2007 (532609)
14 02/16/2007 (532610)
15 04/12/2007 (532611)
16 07/09/2007 (532634)
17 03/20/2007 (532775)
18 12/13/2006 (533373)
19 05/14/2007 (534972)
20 01/26/2007 (535998)
21 03/20/2007 (536006)
22 02/20/2007 (536017)
23 04/05/2007 (542368)
24 04/05/2007 (542369)
25 04/05/2007 (542370)
26 03/05/2007 (542456)
27 02/20/2007 (551951)
28 11/20/2006 (551952)
29 12/20/2006 (551953)
30 01/19/2007 (551954)
31 04/12/2007 (554892)
32 06/01/2007 (554895)
33 05/15/2007 (558701)
34 07/12/2007 (558881)
35 07/13/2007 (559650)
36 05/31/2007 (561392)

37 07/25/2007 (563252)
38 07/10/2007 (565209)
39 07/18/2007 (565509)
40 08/28/2007 (570434)
41 11/27/2007 (570521)
42 10/09/2007 (571528)
43 09/07/2007 (571530)
44 03/20/2007 (589296)
45 04/19/2007 (589297)
46 05/17/2007 (589298)
47 06/20/2007 (589299)
48 07/19/2007 (589300)
49 11/15/2007 (594689)
50 10/15/2007 (594690)
51 10/15/2007 (594692)
52 10/11/2007 (594693)
53 10/15/2007 (594694)
54 10/09/2007 (594695)
55 09/28/2007 (594920)
56 11/16/2007 (597973)
57 01/28/2008 (598307)
58 12/12/2007 (598310)
59 08/20/2007 (605806)
60 09/06/2007 (605807)
61 10/19/2007 (605808)
62 09/20/2007 (605809)
63 12/12/2007 (609039)
64 01/29/2008 (609101)
65 08/28/2008 (610625)
66 01/24/2008 (610674)
67 12/11/2007 (610682)

68	12/10/2007	(610695)
69	01/17/2008	(610699)
70	12/20/2007	(612437)
71	02/08/2008	(612730)
72	02/13/2008	(612840)
73	01/25/2008	(613512)
74	01/25/2008	(613541)
75	01/14/2008	(613552)
76	01/25/2008	(613555)
77	01/25/2008	(613857)
78	01/25/2008	(613874)
79	01/25/2008	(614229)
80	01/15/2008	(614252)
81	04/01/2008	(616811)
82	03/10/2008	(616812)
83	02/28/2008	(618019)
84	04/03/2008	(619011)
85	11/20/2007	(631964)
86	12/20/2007	(631965)
87	03/31/2008	(636151)
88	04/06/2008	(637320)
89	05/09/2008	(638778)
90	04/22/2008	(638949)
91	05/01/2008	(638959)
92	05/07/2008	(638961)
93	05/28/2008	(638962)
94	07/14/2008	(638964)
95	04/07/2008	(639314)
96	05/16/2008	(641203)
97	04/07/2008	(641592)
98	06/16/2008	(646366)

99 06/19/2008 (646368)
100 07/03/2008 (653609)
101 07/11/2008 (653610)
102 07/14/2008 (653719)
103 05/19/2008 (671026)
104 02/19/2008 (677433)
105 03/19/2008 (677434)
106 04/10/2008 (677435)
107 04/10/2008 (677436)
108 07/31/2008 (686092)
109 07/31/2008 (686093)
110 10/28/2008 (686185)
111 12/04/2008 (688113)
112 08/20/2008 (688715)
113 08/18/2008 (688789)
114 09/04/2008 (689451)
115 05/20/2008 (696168)
116 06/20/2008 (696169)
117 12/04/2008 (700715)
118 01/15/2009 (709042)
119 02/20/2009 (709495)
120 08/19/2008 (717807)
121 09/20/2008 (717808)
122 10/20/2008 (717809)
123 10/16/2008 (717810)
124 06/29/2009 (721079)
125 03/05/2009 (721082)
126 02/25/2009 (721083)
127 02/25/2009 (721084)
128 08/28/2009 (721238)

129 11/12/2008 (733136)
130 02/25/2009 (735621)
131 06/08/2009 (739477)
132 05/05/2009 (739945)
133 08/20/2009 (741169)
134 05/18/2009 (741225)
135 06/16/2009 (743921)
136 06/18/2009 (749634)
137 02/17/2009 (756293)
138 03/18/2009 (756294)
139 03/30/2009 (756295)
140 03/30/2009 (756296)
141 12/16/2008 (756297)
142 08/24/2009 (759202)
143 09/17/2009 (761496)
144 10/12/2009 (763103)
145 09/16/2009 (764661)
146 11/24/2009 (764738)
147 08/10/2009 (764924)
148 08/06/2009 (764956)
149 12/22/2009 (765553)
150 10/14/2009 (766458)
151 10/15/2009 (767716)
152 05/19/2009 (773263)
153 06/10/2009 (773264)
154 12/04/2009 (775737)
155 12/04/2009 (776799)
156 12/10/2009 (779534)
157 11/02/2009 (780297)
158 12/03/2009 (781013)
159 12/16/2009 (781594)

160 03/26/2010 (784746)
161 08/02/2010 (784773)
162 12/17/2009 (785982)
163 01/12/2010 (787343)
164 02/24/2010 (787415)
165 02/25/2010 (787910)
166 02/26/2010 (792379)
167 04/06/2010 (795270)
168 06/10/2010 (800711)
169 05/20/2010 (801432)
170 02/17/2010 (819935)
171 08/24/2009 (819936)
172 02/25/2010 (819937)
173 10/19/2009 (819938)
174 11/18/2009 (819939)
175 12/15/2009 (819940)
176 01/20/2010 (819941)
177 07/23/2010 (824428)
178 07/23/2010 (825862)
179 07/12/2010 (827614)
180 07/20/2010 (828299)
181 07/07/2010 (828468)
182 03/16/2010 (836233)
183 04/12/2010 (836234)
184 05/18/2010 (836235)
185 09/02/2010 (843399)
186 09/17/2010 (844985)
187 06/15/2010 (847919)
188 10/11/2010 (857776)
189 02/01/2011 (858211)
190 07/13/2010 (862337)

191	10/08/2010	(865133)
192	01/25/2011	(866458)
193	08/18/2010	(868952)
194	01/26/2011	(872130)
195	11/05/2010	(873228)
196	09/16/2010	(875804)
197	11/12/2010	(877286)
198	05/12/2011	(878115)
199	01/11/2011	(878361)
200	12/02/2010	(879905)
201	12/30/2010	(880157)
202	03/04/2011	(880826)
203	09/16/2010	(883387)
204	03/08/2011	(884606)
205	01/27/2011	(886727)
206	11/18/2010	(889776)
207	01/26/2011	(893271)
208	04/15/2011	(896074)
209	12/16/2010	(898142)
210	03/24/2011	(899963)
211	05/24/2011	(900368)
212	09/16/2010	(904045)
213	03/31/2011	(906696)
214	05/04/2011	(907711)
215	02/15/2011	(910923)
216	04/29/2011	(914084)
217	03/10/2011	(918197)
218	08/19/2011	(924489)
219	04/19/2011	(930707)
220	09/07/2011	(932669)
221	08/31/2011	(936303)

222 05/17/2011 (939903)
223 08/24/2011 (942570)
224 06/14/2011 (947315)
225 08/17/2011 (948440)
226 07/20/2011 (954576)
227 09/23/2011 (956869)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/31/2006 (551952) CN600124705
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/16/2006 (519602) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Permit #18978, SC#1 PA
Description: Failure to prevent the unauthorized emissions of HRVOC and VOC from the decoking drum.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
Description: Failure to include the permit number in the final report.

Date: 12/18/2006 (517871) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
Description: Failure to perform the manganese oxide correction analysis.

Date: 02/16/2007 (532610) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02225, Special Condition 1.H OP
Description: Failure to install a continuous monitoring system for pressure relief valve V4229RV1.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5836, Special Condition 4E PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to seal open-ended lines containing volatile organic compounds.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02225, Special Condition 1.A. OP

Description: Failure to maintain appropriate records of a land based volatile organic compound (VOC) transfer to a transport vessel.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02225, Special Condition 8.A.(i) OP
Description: Failure to ensure a tank-truck being filled with VOCs had a current annual leak test.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
4477, Special Condition 3 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-02225, Special Condition 11.A OP

Description: Failure of preventing the exceedence of the production limit as listed in Table 2 of the confidential section of the permit application. (CATEGORY B19.g.1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
4477, Special Condition 9F PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-02225, Special Condition 11.A OP

Description: Failure to conduct valve monitoring for three consecutive quarters.

Date: 02/27/2007 (532609) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to analyze the HRVOC concentrations in the ARU flare (EPN: QE3050B) flare header gas. (B.19.g.1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(d)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02223, Special Condition 1.A. OP

Description: Failure of not repairing pumps seals within the six month deadline. (B19.g.(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02223, Special Condition 1.A. OP
O-02223, Special Condition 13.A. OP
Permit 18978/PSD-TX-752M3, SC 13.H. PERMIT

Description: Failure to place leaker tags on equipment designating it as leaking components.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02223, Special Condition 1.A. OP

Description: Failure to identify fugitive components on tubing/piping associated with a sampling system in "benzene" service. (B19.g.(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02223, Special Condition 1.A. OP
O-02223, Special Condition 13.A. OP
Permit 18978/PSD-TX-752M3, SC 13.E. PERMIT

Description: Failure to seal open-ended lines in HRVOC and VOC service.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(5)

5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to submit the CEMS downtime report in a timely manner.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to keep the degreaser lid closed.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(C)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, Special Condition 6.A.(i) OP

Description: Failure to ensure trailers being filled with VOCs had a current annual leak test.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, Special Condition 1.A. OP

Description: Failure to ensure the net heating value of flare QE8050B did not drop below 300 Btu/scf. (B19.g.(1))
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(2)

Description: Failure to ensure the wastewater met the 10 ppm standard. (B19.g.(1))
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to stack test six diesel air compressors and one diesel engine pump. (B19.g.(1))
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, Special Condition 13.A. OP
 Permit 18978/PSD-TX-752M3, SC 1 PERMIT

Description: Failure to ensure two diesel engines did not exceed the permitted tons/year allowable. (B19.g.(1))
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, General Terms and Conditions OP

Description: Failure to include two compressors in the MAERT as emission points. (B19.g.(1))
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, Special Condition 3.A.(i) OP

Description: Failure to prevent the exceedance of the opacity limit for the MAPD decoking process. (B19.g.(1))
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, Special Condition 13.A. OP
 Permit 18978/PSD-TX-752M3, SC 1 PERMIT
 Permit 18978/PSD-TX-752M3, SC 3.B. PERMIT

Description: Failure to prevent the exceedance of permitted allowables for Furnaces 1, 4, 5, 7, 8, and 9. (Category B19.g.(1))
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02223, SC 13.A. OP
 Permit 18978/PSD-TX-752M3, SC 1 PERMIT
 Permit 18978/PSD-TX-752M3, SC 2.B. PERMIT
 Permit 18978/PSD-TX-752M3, SC 3.B. PERMIT

Description: Failure to prevent the exceedance of permitted allowables for Boilers A and B.
(B19.g.(1))

Date: 04/04/2007 (542370) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Permit #4477, Special Condition #1 PA
Description: Failure to prevent unauthorized emissions of ethylene, particulate matter, and vinyl acetate/

Date: 04/05/2007 (542368) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Permit #4477, Special Condition #1 PA
Description: Failure to prevent the unauthorized emission of ethylene.

Date: 05/24/2007 (558701) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Permit #18978 PA
Description: Failure to prevent the unauthorized emissions of HRVOC and VOC.

Date: 07/09/2007 (532634) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 6A PERMIT
Title V Permit O-01606, SC 1A & SC 9A OP
Description: failed to maintain the heating value of the gas being combusted being 300 Btu/scf or greater in the Q-1 Flare (HSFLARE) on December 11, 2005.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V Permit O-01606 OP
Description: failed to properly perform the initial calibration of the highly reactive volatile organic compounds (HRVOC) analyzer for the Q-1 Flare by January 31, 2006, and also failed to perform daily calibrations until March 17, 2006.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V Permit O-01606, SC 1A OP
Description: failed to properly perform the initial calibration of the highly reactive volatile organic compounds (HRVOC) analyzer for the cooling tower (Q1CT) until March 30, 2006, and also failed to perform daily calibrations on April 9 and 10, 2006.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V Permit O-01606, SC 1A OP
Description: failed to install a continuous monitoring system to determine status of relief valves and duration of pressure relief events for pressure relief valves (HRVOC PSV) on the butene unloading system: PSV-R1779, PSV-R724, and PSV-J781RV.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(2)(D)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V Permit O-01606, SC 1A OP
Description: failed to maintain operating limits established during the HRVOC emission test on four occasions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SE 12E PERMIT
Title V Permit O-01606, SC 1A & 9A OP

Description: failed to equip open-ended lines with a plug or second valve on two occasions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 1 PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to maintain VOC emissions from railcar unloading to storage.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 7D PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to continuously monitor the incinerator stack oxygen concentration on October 4, 2005.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 8 PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to perform the required cylinder gas audit (CGA) on the oxygen analyzer by March 31, 2006.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 2 PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to limit the volatile organic compounds (VOC) content in the polyethylene powder exiting the product purge bin to 100 ppm by weight on October 31, 2005.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 1 PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to maintain NOx emissions from the Q-1 Flare (HSFLARE) within the limit of 0.50 lb/hr.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit 19109, SC 9 PERMIT
Title V Permit O-01606, SC 9A OP

Description: failed to maintain a sock filter on the powder feeder hopper on April 8, 2006.

Date: 07/10/2007 (565209)

CN600124705

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Permit #4477, Special Condition #1 PERMIT
Description: Failure to prevent the lifting of safety relief valves which resulted in unauthorized emissions of ethylene to the atmosphere.

Date: 10/31/2007 (631964) CN600124705
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/16/2007 (597973) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Permit #4477, Special Condition #1 PERMIT
Description: Failure to block in the High Pressure Separator overhead valve resulting in unauthorized emissions.

Date: 02/08/2008 (612730) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Permit #4477, Special Condition #1 PERMIT
Description: Failure to prevent the opening of the reactor vent to the atmosphere which resulted in the release of ethylene.

Date: 06/20/2008 (646368) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT
Description: Failure to prevent bumping of the barring-over controls on the Recycle compressor which resulted in the shutdown of the compressor and the venting of contaminants to the atmosphere.

Date: 07/11/2008 (653610) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT
Description: Failure to prevent pressure build up in the gas recycle system which resulted in the lifting of a High Pressure Separator Relief Valve to the atmosphere.

Date: 08/20/2008 (688715) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
5C THSC Chapter 382 382.085(b)
Description: Failure to include the heat exchanger leak in Incident #96015.

Date: 03/31/2009 (756295) CN600124705
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/16/2009 (743921) CN600124705
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
ELMR, No. 1, p. 2 PERMIT
Description: Failure to measure the flow at Outfall 001 at the required frequency.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.6
30 TAC Chapter 319, SubChapter A 319.9(c)
Description: Failure to properly calibrate the pH meter and perform the required Quality Assurance/Quality Control (QA/QC) for the chlorine meter.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requirements, No. 3, p. 12-13 PERMIT
Description: Failure to properly complete the Discharge Monitoring Reports (DMRs) for total zinc at Outfall 001 in March 2009.

Date: 06/29/2009 (721079) CN600124705
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 14E PERMIT
Special Condition 5 PERMIT
Special Condition 6A PERMIT
Special Term and Condition 13 OP
Special Term and Condition 1A OP
Description: Failure to maintain a cap, blind flange, plug or second valve on four (4) open ended lines. (Category C10 violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1J(v) OP
Description: Failure to repair eleven (11) leaking components in HRVOC service within seven (7) days. (Category B19(g)(1) violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Part 61, Subpart V 61.242-7(d)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 14I PERMIT
Special Condition 5 PERMIT
Special Condition 6A PERMIT
Special Term and Condition 13 OP
Special Term and Condition 1A OP
Special Term and Condition 1J(v) OP
Description: Failure to repair twelve (12) leaking components in HRVOC service within fifteen (15) days. (Category B19(g)(1) violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 11A PERMIT

Special Condition 5 PERMIT
Special Term and Condition 13 OP
Special Term and Condition 1A OP
Description: Failure to maintain a minimum of 300 BTU for flare QE3050B. (Category B19(g)(1) Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1J(iii) OP

Description: Failure to maintain HRVOC emissions below the HRVOC cap of 1200 lbs/hr. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)
30 TAC Chapter 115, SubChapter E 115.412(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 13 OP
Special Term and Condition 1A OP

Description: Failure to maintain a closed lid on the Olefins degreaser while the degreaser was not in use. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
Special Conditions 11C PERMIT
Special Term and Condition 13 OP
Special Term and Condition 1A OP

Description: Failure to limit visible emissions to less than five minutes within a two hour period from flare QE3050B. (Category B19(g)(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Terms and Conditions 13 OP

Description: Failure to maintain NOX emissions below 31.75 lbs/hr for Furnace #9 (QE1009B). (Category B19(g)(1) violation)

Date: 08/24/2009 (759202) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions due to water entering the high voltage disconnect switch structure.

Date: 08/28/2009 (721238) CN600124705

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13 PERMIT
Special Terms & Conditions 15 PERMIT

Description: Failed to perform monthly sampling and testing for residual VOC, which constitutes the violation of NSR Permit 19109, Special Condition 13. (CATEGORY C1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)

Special Terms & Conditions 12(E) PERMIT
Special Terms & Conditions 15 PERMIT
Special Terms & Conditions 1A PERMIT
Description: Failure to seal one open-ended line with a cap, plug, blind flange, or a second valve. [Category C10]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions 2F PERMIT

Description: Failed to create a final record of five reportable events no later than two weeks after the end of an emissions event. (CATEGORY C3 violation)

Date: 09/17/2009 (761496) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event. Specifically, Equistar failed to prevent unauthorized emissions from the High Pressure Separator relief valve (L3Fug).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the Initial Notification for a reportable emissions event within 24 hours of discovery of the event.

Date: 02/25/2010 (787910) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions due to lifting of relief valve C4202RV5 to the atmosphere.

Date: 03/26/2010 (784746) CN600124705

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 15 OP
SC 9 PERMIT

Description: Operating a bag house with damaged filters (C4).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 13 PERMIT
SC 15 OP

Description: Failed to analyze a VOC sample collected from the product purge bin outlet (C1).

Date: 07/21/2010 (828299) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions due Process Gas Compressor tripping.

Date: 02/02/2011 (858211) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
Special Condition 11.PERMIT
Special Condition 14 OP

Description: Failure to continuously monitor the flare pilot with thermocouple on February 10, 2010 at 1500 hours to 1700 hours when unit QE3050B Flare pilots were not monitored with thermocouples while the monitoring system was being switched over to a new system (Category B16 Violation).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to prevent opacity from exceeding 30% on March 15, 2010 at 0850 hours to March 16, 2010 at 0829 hours when intermittent opacity was observed on unit QE3418F process vent (Category B18 Violation).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP

Description: Failure to make first attempt to repair leak not made within five days of leak discovery on November 10, 2009 2359 hours to November 11, 2009 at 1230 hours when the 1st attempt to repair two valves found to be leaking was not made within five days of discovering the leak (Category B18 Violation).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP

Description: Failure to take monthly samples on September 30, 2010 at 2359 hours when a monthly sample of Zimpro effluent from unit QE8001A wastewater unit was not taken for the month of September (Category B1 Violation).

Date: 02/28/2011 (918197) CN600124705

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 04/15/2011 (896074) CN600124705

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to maintain the structural integrity of the Outfall 101 onsite lift station.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effl. Lim. & Mont. Requ., No. 2, Pg. 2n PERMIT

Description: Failure to maintain compliance with the permitted effluent limits for total chlorine residual at Outfall 101.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to properly complete and submit the discharge monitoring reports (DMRs) for Outfalls 101, 104 and 201.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
30 TAC Chapter 319, SubChapter A 319.7(c)
Mon. & Report. Requ., No. 3b, Pg.5 PERMIT
Mon. & Report. Requ., No. 5, Pg. 5 PERMIT

Description: Failure to calibrate the composite sampler thermometers for Outfalls 101, 201, and 004, or check the thermometers against a National Institute of Standards and Technology (NIST)-traceable thermometer, at least annually.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
30 TAC Chapter 319, SubChapter A 319.7(c)
Monit. & Report. Requ., No. 3b, Pg. 5 PERMIT

Description: Failure to maintain temperature logs for the composite samplers at Outfalls 101 and 201.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Other Requ., No. 13, Pg. 21 PERMIT

Description: Failure to properly conduct the additional effluent testing for Outfall 003.

F. Environmental audits.

Notice of Intent Date: 11/28/2006 (534264)

No DOV Associated

Notice of Intent Date: 07/27/2007 (593661)

Disclosure Date: 04/29/2008

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-2
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026

Description: Failure to monthly monitor specific components.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(D)

Description: Failure to maintain 3 calibration precision tests and 19 daily calibration test records.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1064(g)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.246(e)(1)

Description: Failure to maintain Heavy Liquid Equipment Lists.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: PERMIT NSR 4477

Description: Failure to close 4 open ended lines.

Notice of Intent Date: 07/31/2007 (593666)

Disclosure Date: 03/31/2008

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(a)

Description: Failure to include all benzene waste streams at the facility in the total annual benzene quantity.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.344
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349

Description: Failure to meet benzene waste operations control standards for tanks, surface impoundments, containers, individual drain systems, oil water separators, treatment processes, closed vent systems and control devices.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: Failure to properly monitor, report, and maintain records for benzene waste operations.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355
Description: Failure to follow test methods, procedures and compliance provisions for benzene waste operations.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)
Description: Failure to accurately calculate the benzene quantities of certain waste streams.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)
Description: Failure to determine the proper flow-weighted annual average benzene concentration.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)(1)
Description: Failure to use all phases when determining the weighted-average benzene concentration.

Notice of Intent Date: 11/05/2007 (615486)
No DOV Associated

Notice of Intent Date: 11/05/2007 (615488)
No DOV Associated

Notice of Intent Date: 11/05/2007 (615489)
Disclosure Date: 08/20/2008
Viol. Classification: Moderate
Rqmt Prov: PERMIT Title V Operating Permit O-2225
Description: Failure to comply with Title V operating permit O-2225.

Notice of Intent Date: 04/22/2008 (681801)
No DOV Associated

Notice of Intent Date: 06/23/2008 (688517)
No DOV Associated

Notice of Intent Date: 09/28/2009 (779143)
No DOV Associated

Notice of Intent Date: 03/18/2010 (798386)
Disclosure Date: 09/17/2010
Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(a)
Description: Failure to ensure all components are repaired within 15 days of discovery.

Notice of Intent Date: 05/04/2011 (932621)
No DOV Associated

Notice of Intent Date: 08/02/2011 (950144)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EQUISTAR CHEMICALS, LP
RN100210319**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-1596-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Equistar Chemicals, LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 1515 Miller Cut Off Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 24 and September 12, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty Thousand Dollars (\$20,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Dollars (\$8,000) of the

administrative penalty and Four Thousand Dollars (\$4,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eight Thousand Dollars (\$8,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that:
 - a. In order to prevent a recurrence of emissions events due to the same cause as Incident No. 153240, the Respondent:
 - i. Installed temporary pilots on the main flare on July 25, 2011; and
 - ii. Discussed and stressed the importance of the flare steam-to-hydrocarbon ratio with all board technicians and supervisors in the Olefins Unit on September 27, 2011.
 - b. In order prevent a recurrence of emissions events due to the same cause as Incident No. 153280, the Respondent changed the NA951 bump valve setting on June 30, 2011 to open 25% more instead of 35% more.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4); 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2); Permit Nos. 18978 and PSD-TX-752M3, Special Conditions ("SC") No. 1; Federal Operating Permit ("FOP") No. O2223, Special Terms and Conditions ("STC") Nos. 1.A. and 14 and General Terms and Conditions ("GTC"); and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted from June 8 through June 22, 2011. Specifically, the Respondent released 1,503 pounds ("lbs") of ethane, 960 lbs of propylene (propene), 726 lbs of ethylene (gaseous), 582 lbs of propane, 223 lbs of methane, and 116 lbs of other volatile organic compounds from Emissions Point Number ("EPN") QE8050B in the Olefins Unit during an emissions event (Incident No. 153240) that began on April 11, 2011 and lasted three hours. The emissions event was caused when the main flame flare was suppressed due to a high steam-to-hydrocarbon ratio, and all four flare pilot flames were extinguished due to low natural gas pressures caused by a crack in the natural gas line. Since this emissions event could have been avoided by better operational and maintenance practices, and the air pollution control equipment was not maintained and operated in a manner consistent with good practices for minimizing emissions, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Permit No. 4477, SC No. 1; FOP No. O1606, STC No. 15 and GTC; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 7, 2011. Specifically, the Respondent released 6,643 lbs of ethylene, 181 lbs of polyethylene, and 78 lbs of propylene from EPN L3RXVENTS, and released 36 lbs of ethylene, 26 lbs of carbon monoxide, and 4 lbs of nitrogen oxides from EPN L3FLARE in the AB3 Unit during an emissions event (Incident No. 153820) that began on April 26, 2011 and lasted three hours and 54 minutes. The emissions event occurred when an ethylene decomposition reaction in the AB3 reactor with unknown causes led to a unit shutdown. Since the Respondent was unable to provide sufficient information regarding the cause of this emissions event, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2011-1596-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eight Thousand Dollars (\$8,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

R. D. Wyle
For the Executive Director

3/7/12
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Courtney Ruth
Signature

12-20-11
Date

COURTNEY RUTH
Name (Printed or typed)
Authorized Representative of
Equistar Chemicals, LP

Site Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2011-1596-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Equistar Chemicals, LP
Penalty Amount:	Sixteen Thousand Dollars (\$16,000)
SEP Offset Amount:	Eight Thousand Dollars (\$8,000)
Type of SEP:	Contribution to a Pre-approved SEP
Third-Party Recipient:	Houston Regional Monitoring Corporation ("HRMC")
Project Name:	HRMC Houston Area Air Monitoring
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the **HRMC Houston Area Air Monitoring**. The contribution will be used in accordance with the Supplemental Environmental Project between the Third-Party Recipient and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants including approximately 160 volatile organic compounds ("VOCs"). Specifically, the Third-Party Recipient shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The TCEQ uses this information, along with data collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston's progress toward achieving or remaining in attainment of the NAAQS. Implementation of this SEP will allow continuation of ambient air monitoring in this region to collect near real-time VOC, nitrogen oxides, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur and to assess potential ambient community exposure to a limited number of HAPs. Data from these monitors may be publicly accessible through the TCEQ website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and will indirectly benefit by having data useful in addressing Houston's ozone non-attainment status.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order to:

Houston Regional Monitoring Corporation SEP
c/o Christopher B. Amandes, Vinson & Elkins, LLP
First City Tower
1001 Fannin Street, Suite 2500
Houston, Texas 77002-6760

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP agreement in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to complete the project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. The Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that the Project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.